## NC - Long

**The AC makes a fundamental error – we cannot account for ethics in any terms but the ethical, so we cannot derive them logically as a set of rules. To do so would either force you to just reflect the way the world is, or presuppose the proper way to make the derivation which smuggles in a hidden moral premise or the value of particular modes of inquiry.**

**Reader**, Soran. "New directions in ethics: Naturalisms, reasons and virtue." Ethical Theory and Moral Practice 3.4 (2000): 341-364.

What is the alternative? To understand ethics in its own terms. This deprives us of explanatory naturalism. **We can't** without error expect to **understand ethics in any terms but ethical.** This has seemed to many philosophers to be unduly restrictive, and to threaten relativism.8 But in fact it does not lead to these difficulties - or, more accurately, it doesn't exacerbate them. **The problem of displaying the rationality of ethics** in a compelling way is real. But it **is** also general. It is the same as **the problem of displaying the rationality of all** the **other things we do** - **playing games, conducting scientific enquiry, writing** philosophy **papers**. We might be able to make connections between activities - using an analogy with another game, say, to illuminate the game of chess for someone. But **all we will ever be able to lay our hands on in the activity of explaining, is mor**e of the same: **parts of our life. The idea of** our **being able to use 'the world as it is in itself to explain** any of **our activities is practically contradictory.** And the idea that rationality - supernature, rather than first nature - can be used to explain ethics in this way, involves a similar error. **The way we** think - acquire beliefs, deliberate, **justify ourselves - is also part of our life. It is as 'fundamental'** in that life as ethics is, but no more so - **no more knowable 'in itself’,** as Aristotle, in the grip of a similar error to our own, would have put it, than it is 'to us', here and now, living as we live. **So explanatory accounts** of ethics, whether they invoke first-nature or super natural reason, **are mistaken**. Explicatory naturalism is as far as we can go. And as far as we need to go.

**The practice of ethical life is complicated and multifaceted – there are many morally relevant features, and different ones are relevant in different cases. This isn’t a question of deducing justifications for them, but reflecting on our actual practice.**

James **Griffin** 5, Rhodes Scholar, American-born philosopher, who was White's Professor of Moral Philosophy at the University of Oxford from 1996 to 2000., Corpus Christi College, 2005, "Human Rights: Whose Duties?," Human Rights And The Moral Responsibilities Of Corporate And Public Sector Organisations Volume 20 Of The Series Issues In Business Ethics Pp 31-43, http://link.springer.com/chapter/10.1007%2F1-4020-2361-8\_3

I said a moment ago that mere ability is one reason-generating consideration in cases of aid. But **moral life is** more **complicated** than that. **Many** other **considerations** also **shape moral norms, for instance,** the one I glanced at earlier: **that a good life is a life of deep commitments to particular persons, causes, careers, and institutions; that deep commitments limit our wills** in major ways; **and that our powers of** large-scale **calculation about what maximises good outcomes are** also **limited.** Unless one stresses these other reason-generating considerations, my proposal that ability can fix who should give aid might look odd. A **[Bill] Gates** or a Getty **has a great ability to help the needy. That** ability, **no doubt, means that they have above-average obligations** to help. **But** the obligation upon them does not go on until their marginal loss equals the marginal gain of the needy; nor does it with us. The ethical story is far more complicated than that. **T**hat Gateses and the Gettys - and **we** - **are allowed substantially to honour our** own **commitments and follow our own interests, and these permissions limit our obligations**. All that I wish to claim is that mere ability is one consideration in fixing where to place the duty to help. As with identifying the content of a human right, so also with identifying the related duty-ower: my remarks are only a start on the job. It is characteristic of the Work involved in identifying duty-owers that it too can be long, hard, and contentious. I think that sometimes it will prove impossible to make a clearly successful case for holding anyone in particular the appropriate duty-ower. **Sometimes the identification will have elements of arbitrariness and convention** in it. **Sometimes it will be subject to negotiation in a particular place or time.** We can know that there is a moral burden, without yet knowing who should shoulder it.

**Thus, the standard is consistency with the particularity of moral judgments. Precludes the aff:**

**1. Indeterminacy: rules can’t secure their own application – applying a norm to new situations is indeterminate. We understand a rule through a limited series of past applications, but when in a new situation, the past examples don’t tell us what to do: if you see the sequence 2, 4, 6 then you might think the next number is 8 or 10 based on different possible rules. You could try to explain what you mean, but all language is defined by social rules built on past usage – there’s no secure foundation.**

(The two rules are summing the previous two terms (2, 4, 6, 10, 16, 26, …) or adding 2 (2, 4, 6, 8, 10, 12, …). Even this isn’t enough to define the rule though, if you’ve been paying attention.)

**This applies to all norms including moral ones – applying it properly isn’t defined by the norm but by being attentive to the right set of unspecifiable moral considerations.**

**My argument is about a problem with the *application* of all moral principles, not the content of any one – this means it takes out the aff even if their framework true, since it’s impossible to defend the application of the principle to any specific case, let alone all of them.**

**2. Humility: demanding the reductive criteria of knowledge to make universal judgments is epistemic arrogance that’s bad for functioning in the world. Humans naturally have limitations so presuming we can deductively arrive at all ethical truths paralyzes action because we will never be able to fully be certain. This outweighs the aff’s framework warrants – the question of what we should center inquiry around is prior to arguments from within a particular tradition. Only my project prevents epistemology from descending into triviality which is uniquely relevant since the resolution asks us for practical guidance.**

**3. Conditionality: the power of normal reasons and their direction is conditional on circumstances. Moral reasons must be like this too, which justifies particularism.**

Two explanations for moral reasons being like ordinary ones, both in the second half of the card: A) No one can compellingly say what reasons are moral and what aren’t (empirical disagreement), so it would be really weird to say that some set of reasons we can’t identify function in a totally different way from the other ones, and B) It being different would be weird because then our rationality would have to be split – we’d need a contextual “mode” for normal reasons and an invariant one for moral reasons. Especially since no one is quite clear on what constitutes a moral reason or not, that’s very very suspect.

Jonathan **Dancy, bracketed for clarity**, "Moral Particularism", The Stanford Encyclopedia of Philosophy (Fall 2013 Edition), Edward N. Zalta (ed.), URL = <https://plato.stanford.edu/archives/fall2013/entries/moral-particularism/>.

Particularists suppose that this doctrine is true for reasons in general, so that its application to moral reasons is just part and parcel of a larger story. For an example that comes from a non-moral context, **suppose that it** currently **seems to me that something** before me **is red. Normally,** one might say, **that is a reason** (some reason, that is, not necessarily sufficient reason) for me **to believe that there is something red** before me. **But [if]** in a case where I also believe that **I have** recently **taken a drug that [swaps red and blue]** makes blue things look red and red things look blue, the appearance of a red-looking thing before me is reason for me to believe that there is a blue, not a red, thing before me. It is not as if it is some reason for me to believe that there is something red before me, but that as such a reason it is overwhelmed by contrary reasons. **It is no longer any reason at all to believe that** there is something red before me; indeed **it is a reason for believing the opposite.** Examples like this establish the variability of reasons for belief. Turning to reasons for action, we might point out that **in some contexts the fact that something is against the law is a reason not to do it, but in others it is a reason to** do it (so as **to protest**, let us **say**, against the existence of a law governing an aspect of private life with which the law should not interfere). Examples of this sort can be multiplied at will. They appear to establish the holism, or variability of reasons for belief and of ordinary reasons for action. **The particularist suggests** that **there is no reason to suppose that moral reasons function in a radically different way** from other reasons. Indeed, **there is a** sort of **presumption that they don't**. That presumption is **partly grounded on the fact that nobody is able to say with** any **confidence** just **which reasons are moral** ones **and which are not.** This means that providing a radical difference between the way in which reasons of the two sorts function should seem rather peculiar. But **the presumption is also** partly **grounded in the fact that** the difference suggested by the generalist is very radical, since it affects what one might call the very logic of moral thought. **To suppose that moral thought has a different logic** from other thought **is to adopt a bifurcated** conception of **rationality.** Moral rationality is principle-bound, based on invariant reasons. Other forms of rationality are nothing like this at all. Particularists think that this suggestion is very strange.

**Contention: A. The AC is an absolute principle, which is inconsistent with the call for particularity—it says that there cannot be any instance in which constitutionally protected free speech can be restricted by public colleges and universities, which ignores the possibility of some strange circumstance that we can’t think of until we respond ad hoc. And, because we are on the University of Kentucky Campus, and my opponent agreed to speech times, they agree that at least some restrictions on speech at UK are necessary so they’ve conceded the neg. B. A universal statement like the resolution can’t have a universal truth statement—its truth value is contextual which means that you cannot universally affirm the resolutional statement. And, being in the educational space of a college or university conditions how students think and therefore affects the things they say and don’t say. That means that colleges and universities must restrict free speech because they cause students to not say certain things.**

## NC – Short

**The AC makes a fundamental error – we cannot account for ethics in any terms but the ethical, so we cannot derive them logically as a set of rules. To do so would either force you to just reflect the way the world is, or presuppose the proper way to make the derivation which smuggles in a hidden moral premise or the value of particular modes of inquiry.**

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I said a moment ago that mere ability is one reason-generating consideration in cases of aid. But **moral life is** more **complicated** than that. **Many** other **considerations** also **shape moral norms, for instance,** the one I glanced at earlier: **that a good life is a life of deep commitments** to particular persons, causes, careers, and institutions; **that deep commitments limit our wills** in major ways; **and that our powers of** large-scale **calculation about what maximises good outcomes are** also **limited.** Unless one stresses these other reason-generating considerations, my proposal that ability can fix who should give aid might look odd. A **[Bill] Gates** or a Getty **has a great ability to help the needy. That** ability, no doubt, **means that they have above-average obligations** to help. **But** the obligation upon them does not go on until their marginal loss equals the marginal gain of the needy; nor does it with us. The ethical story is far more complicated than that. **T**hat Gateses and the Gettys - and **we** - **are allowed substantially to honour our** own **commitments and follow our own interests, and these permissions limit our obligations**. All that I wish to claim is that mere ability is one consideration in fixing where to place the duty to help. As with identifying the content of a human right, so also with identifying the related duty-ower: my remarks are only a start on the job. It is characteristic of the Work involved in identifying duty-owers that it too can be long, hard, and contentious. I think that sometimes it will prove impossible to make a clearly successful case for holding anyone in particular the appropriate duty-ower. **Sometimes the identification will have elements of arbitrariness and convention** in it. **Sometimes it will be subject to negotiation in a particular place or time.** We can know that there is a moral burden, without yet knowing who should shoulder it.

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**2. Humility: demanding the reductive criteria of knowledge to make universal judgments is epistemic arrogance that’s bad for functioning in the world. Humans naturally have limitations so presuming we can deductively arrive at all ethical truths paralyzes action because we will never be able to fully be certain. This outweighs the aff’s framework warrants – the question of what we should center inquiry around is prior to arguments from within a particular tradition. Only my project prevents epistemology from descending into triviality which is uniquely relevant since the resolution asks us for practical guidance.**

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## NC – Against Ks

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**Thus, the standard is consistency with the particularity of judgments. Precludes the aff:**

**1. Humility: Our individual perspectives limit us and make us overestimate the power of individual perspectives and misjudge others in harmful ways. For social justice to be possible, we must emphasize particularity educationally and socially.**

INGRID **ROBEYNS 7** [Chair Ethics of Institutions at Utrecht University, Faculty of Humanities and the associated Ethics Institute. Robeyns is also a Fellow of the Human Development and Capability Association.] “Epistemic humility” on NOVEMBER 7, 2013 < http://crookedtimber.org/2013/11/07/epistemic-humility/ >

A colleague who lost his teenage son due to a traffic accident 3 years ago, told us about the ‘black halo’ which remains above his head, and which only others who have lost a child are able to see. I do not doubt for a second that this is the case – that people who have not lost a child are, perhaps a very few exceptions aside, not able to truly understand what it means to lose a child, and how it changes the person you are. It reminds me of a friend who lost her father about a year after I lost mine. She had been very supportive when my father was terminally ill and died, but told me after her father died that she had no idea how hard it was until she experienced it herself. **Good intentions are simply not enough to understand certain experiences [or]**. I think it’s not just with experiences, but also with varieties of **‘differences’ and** with **social practices**, being ill, and other features of human life. It is not just the death of someone near and dear that we have a hard time to understand if we haven’t experienced it ourselves; or what it means to have autism, or to live with and/or care for someone who has autism (in my experience, **most people don’t understand**, despite what they believe themselves about their understanding); or **what it is to be constantly subjected to racism. I** am confident that I **have no clue what it means to grow up in abject poverty**, or to **live through** a **civil war**, **or** to **be the victim of domestic abuse.** My worry is that **this category** of experiences, differences, practices, and other features of human life **that we cannot understand without first-person experience, is much larger than we generally tend to assume.** And that **as a consequence,** **we believe** that **we know** much **more than we** actually **do** know. And, as a further consequence, that **we too often are wrong in our judgements of** aspects of **the lives of people significantly different than ourselves.** Somehow **it strikes me as wise, and possibly** even as **a precondition for social justice [to],** if we would **rehabilitate epistemic humility at the core of our educational and social practices.**

**This outweighs the aff role of the ballot arguments: A. Probability: Even if their framing arguments seem correct, that is likely the cause of dominant voices overpowering weaker ones. The NC is the best method to include all perspectives and therefore is more likely to cause social change. B. Tangibility: My framework takes into account each person’s specific real world experiences with oppression while theirs generalizes and trivializes oppression by making universal blanket statements.**

**Contention: The AC is an absolute principle, which is inconsistent with the call for particularity—it says that there cannot be any instance in which constitutionally protected free speech can be restricted by public colleges and universities. “Any” means “all.”**

David S. **Elder 91**, Member of the Michigan Bar, Columnist for the Michigan Bar Journal, 10-1991, " 'Any and All': To Use Or Not To Use?," Michigan Bar Association, http://www.michbar.org/file/generalinfo/plainenglish/pdfs/91\_oct.pdf

One final example. In Karl v Bryant Air Conditioning Co, 416 Mich 558; 331 NW2d 456 (1982), **the Michigan Supreme Court was asked by the U**nited **S**tates **Court of Appeals** for the Sixth Circuit **to certify three questions of law.** Among the issues was whether the legislature intended that MCL 600.2949; MSA 27A.2949 (comparative negligence statute) apply to products liability actions sounding in implied warranty. ¶ "Section 2949. (1) In all products liability actions .... the fact that the plaintiff may have been guilty of contributory negligence shall not bar a recovery by the plaintiff or the plaintiff's legal representatives, but damages sustained by the plaintiff shall be diminished in proportion to the amount of negligence attributed to the plaintiff" (Emphasis in opinion.) "Section 2945. As used in sections 2946 to 2949 and section 5805, 'products liability action' means an action based on any legal or equitable theory of liability brought for or on account of death or injury to person or property caused by or resulting from the manufacture, construction design, formula, development of standards, preparation, processing, assembly, inspection, testing, listing, certifying, warning, instructing, marketing, advertising, packaging, or labeling of a product or a component of a product." (Emphasis in opinion.) ¶ In both these statutes the legislature chose not to use "any and all," but one or the other, to describe product liability actions. ¶ The Court stated: ¶ "In §2949, the operative language is 'all products liability actions.' This language is defined in §2945 as follows: "'products liability action" means an action based on any legal or equitable theory of liability.' It is difficult to imagine any language more all-inclusive." Karl at 568. ¶ **And the Court held**: ¶ "We believe that the Legislature's use of the words 'all' and 'any' require, without further interpretative inquiry, the construction that comparative negligence applies to all and any products liability actions, including those sounding in implied warranty." Karl at 569. (Emphasis in original.) ¶ Thus, the Court, in its certified answer to the Sixth Circuit, concluded that **"all" meant "any."** One word was enough. Suppose that both statutes in Karl had used "all," or both had used "any." Any difference? It's hard to imagine why there would be. ¶ **Other state courts have defined "any" as synonymous with "every" and "all."** For instance, in Donohue v Zoning Board of Appeals, 235 A2d 643 (Conn, 1967), the court said the word "any" has a diversity of meanings and may be employed to indicate "all" or "every" as well as "some" or "one." The list of cases using this definition of "any" is exhaustive and may be found in 3A Words and Phrases (1991 Cum Supp), pp 23-27. ¶ If **all these authorities tell us** that **"any and all" is** normally **redundant,** then why not **substitute "any" or "all" as the context requires**? See Figure 1. This is one little symbolic step that lawyers can take in reducing the doublets and triplets that continue to plague legal writing.

**Prefer the definition– my interp is the most accurate. The courts analyze how the word is used in practice to determine what statutes mean. The legal context is also uniquely important here because the topic engages with First Amendment jurisprudence.**